

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**ENGROSSED**

**Committee Substitute**

**for**

**Senate Bill 634**

BY SENATORS WOODRUM, TRUMP, CLEMENTS, AND

JEFFRIES

[Originating in the Committee on Government  
Organization; reported on February 24, 2023]



1 A BILL to amend and reenact §8-12-18 of the Code of West Virginia, 1931, as amended, relating  
2 to increasing the value at which municipal property must be sold through public auction;  
3 and allowing for the negotiated sale of real property to adjacent property owners.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 12. GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED  
RELATIONS OF MUNICIPALITIES, GOVERNING BODIES AND MUNICIPAL  
OFFICERS AND EMPLOYEES; SUITS AGAINST MUNICIPALITIES.**

**§8-12-18. Sale, lease, or disposition of other municipal property.**

1 (a) Every municipality, municipal building commission created pursuant to §8-33-1 *et seq.*  
2 of this code, and municipal development authority created pursuant to §7-12-1 *et seq.* of this code  
3 is authorized to sell, lease as lessor, or dispose of any of its real or personal property or any  
4 interest therein or any part thereof (other than a public utility which shall be sold or leased in  
5 accordance with the provisions of §8-12-17 of this code), as authorized in §1-5-1 *et seq.* of this  
6 code, or to the United States of America or any agency or instrumentality thereof, or to the state  
7 or any agency or instrumentality thereof, for a public purpose for an adequate consideration,  
8 without considering alone the present commercial or market value of such property.

9 (b) In all other cases involving a sale, any municipality is hereby empowered and  
10 authorized to sell any of its real or personal property or any interest therein or any part thereof for  
11 a fair and adequate consideration, the property to be sold at public auction at a place designated  
12 by the governing body, or by using an Internet-based public auction service, but before making  
13 any sale, notice of the time, terms, and place of sale, together with a brief description of the  
14 property to be sold, shall be published as a Class II legal advertisement in compliance with the  
15 provisions of §59-3-1 *et seq.* of this code and the publication area for the publication shall be the  
16 municipality. The requirements of notice and public auction shall not apply to the sale of any one  
17 item or piece of property of less value than ~~\$1,000~~ \$10,000. The requirements of notice and public

18 auction shall not apply to the sale of any one piece of real property when the governing body of  
19 the municipality finds that the highest and best use of the property is that it be conveyed to an  
20 owner of the property adjacent to the municipal property. When such finding is made, the  
21 municipality shall provide written notice to all owners of real property that is adjacent to the  
22 municipal property and may negotiate the sale of such municipal property with an adjacent  
23 property holder or holders expressing interest in purchasing the property: *Provided*, That no  
24 municipal employee, municipal official, family member of a municipal employee, or family member  
25 of a municipal official may benefit from the disposition of municipal property or otherwise purchase  
26 municipally owned property that is adjacent to their own property. and—under Under no  
27 circumstances shall the provisions of this section be construed as being applicable to any  
28 transaction involving the trading in of municipally owned property on the purchase of new or other  
29 property for the municipality and every municipality shall have plenary power and authority to  
30 enter into and consummate any trade-in transaction. For the purposes of this subsection, "family  
31 member" means spouse, adult child, sibling, parent, grandparent, adult grandchild, or niece or  
32 nephew. This includes stepparents, adult stepchildren, stepsiblings, and adoptive relationships.

33 (c) In all other cases involving a lease, any municipality is hereby empowered and  
34 authorized to lease as lessor any of its real or personal property or any interest therein or any part  
35 thereof for a fair and adequate consideration and for a term not exceeding 50 years. Every lease  
36 shall be authorized by resolution of the governing body of the municipality, which resolution may  
37 specify terms and conditions which must be contained in such lease: *Provided*, That before any  
38 proposed lease is authorized by resolution of the governing body, a public hearing on the  
39 proposed lease shall be held by the governing body after notice of the date, time, place, and  
40 purpose of the public hearing has been published as a Class I legal advertisement in compliance  
41 with the provisions of §59-3-1 *et seq.* of this code and the publication area for the publication shall  
42 be the municipality. The power and authority granted in this subsection shall be in addition to, and

- 43 not in derogation of, any power and authority vested in any municipality under any constitutional  
44 or other statutory provision now or hereafter in effect.